

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ESMELING BAHENA,

Plaintiff,

v.

RODRIGUEZ, et al.,

Defendants.

Case No. 1:20-cv-01685-AWI-SAB (PC)

ORDER DENYING PLAINTIFF'S  
STIPULATION FOR REFERRAL TO  
EARLY SETTLEMENT CONFERENCE  
AND DIRECTING PLAINTIFF TO SHOW  
CAUSE WHY SANCTIONS SHOULD NOT  
BE IMPOSED

(ECF No. 29)

Esmeling Bahena ("Plaintiff"), a state prisoner, is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983

On November 8, 2021, Plaintiff filed a stipulation for referral to early settlement conference. (ECF No. 29.) On December 8, 2021, Defendants filed a response to Plaintiff's stipulation. (ECF No. 32.)

Inasmuch as Defendants oppose Plaintiff's request for an early settlement conference based on the affirmative defense of failure to exhaust the administrative remedies, Plaintiff's stipulation to refer this case for early settlement conference shall be denied.

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Based on the foregoing, it is HEREBY ORDERED that:

1. Plaintiff's stipulation to referral for early settlement conference is denied; and
2. Within **twenty (20)** days from the date of service of this order, Plaintiff shall show cause why sanctions should not be imposed for improperly representing defense counsel's signature on the stipulation.

IT IS SO ORDERED.

Dated: **December 9, 2021**

  
UNITED STATES MAGISTRATE JUDGE